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Committee on the Exercise of the Inalienable Rights of the Palestinian People*

Summary record of the 277th meeting
Held at Headquarters, New York, on Friday, 12 March 2004, at 10 a.m.

Temporary Chairman: Mr. Kofi Annan ..... (Secretary-General of the United Nations)
Chairman: Mr. Badji ..... (Senegal)

Contents

Adoption of the agenda

Expression of sympathy in connection with the recent tragedy in Madrid

Election of officers

Statement by the Secretary-General

Statement by the Chairman

Statement by the Permanent Observer of Palestine

Draft programme of work of the Committee

Report by the Rapporteur on the United Nations Meeting for Asia and the Pacific on the Question of Palestine and the Public Forum in Support of Middle East Peace

* The verbatim record of the 276th meeting appears as document A/AC.183/PV.276.

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Expression of sympathy in connection with the recent tragedy in Madrid

2. **The Temporary Chairman** expressed sympathy to the King, Government and people of Spain in connection with the recent tragedy in Madrid.

3. *At the invitation of the Temporary Chairman, the members of the Committee observed a minute of silence.*

Election of officers

4. **The Temporary Chairman** invited the Committee to consider nominations for the posts of Chairman, Vice-Chairmen and Rapporteur of the Committee.

5. **Mr. Hachani** (Tunisia) nominated Mr. Badji (Senegal) for election to the office of Chairman; Mr. Farhâdi (Afghanistan) for re-election, and Mr. Requeijo Gual (Cuba) for election, to the offices of Vice-Chairmen; and Mr. Camilleri (Malta) for election to the office of Rapporteur.

6. **Mr. Shiweva** (Namibia) seconded the nominations.

7. *Mr. Badji (Senegal), Mr. Farhâdi (Afghanistan), Mr. Requeijo Gual (Cuba) and Mr. Camilleri (Malta) were elected by acclamation.*

8. *Mr. Badji (Senegal) took the Chair.*

9. **The Chairman** said that he wished to join the Secretary-General in expressing sympathy to the Government and people of Spain at the terrorist attack which had struck innocent victims in Madrid.

10. The presence of the Secretary-General at the Committee's first meeting of 2004 was honouring a tradition but also reinforcing the Committee's moral standing and credibility and reaffirming his personal commitment to the legitimate cause of the Palestinian people.

Statement by the Secretary-General

11. **The Secretary-General** congratulated the Chairman and his colleagues in the Bureau of the Committee on their election.

12. The current situation between Palestinians and Israelis remained extremely tense. There had been no discernible progress in peace efforts. The goal of the Palestinians, an end to the occupation and the establishment of an independent State of Palestine, was still out of reach. The hope of the Israelis for security had yet to be realized.

13. Instead, the situation on the ground had once again been shaken by a wave of violence. Israeli incursions into Palestinian cities, arrests, house demolitions, closures and curfews had continued. Targeted assassinations had resumed. Their victims had not been their intended targets alone — tragically, many civilians going about their daily lives in the crowded streets had also been killed.

14. Over the last few years, Palestinian terrorist attacks had claimed many innocent civilian lives in Israel. There was no justification for such crimes. Efforts to achieve a comprehensive ceasefire, which would help prevent such horrific acts, had so far produced no results.

15. Palestinians were dismayed to see more and more of their land being taken to make way for the expansion of the barrier, the construction of which had generated heated protests, only adding to Palestinian anger and desperation.

16. The death toll since September 2000 had continued to climb. It had now reached over 3,000 Palestinians and over 900 Israeli dead. Thousands more had been wounded. Most of those killed had been civilians, many of them children.

17. The price already paid by both Israelis and Palestinians had been far too high. No more time should be wasted. There was an urgent need for a negotiated settlement to that deadly conflict.

18. The lack of any tangible progress towards a peaceful settlement had raised the level of hopelessness and despair among ordinary Palestinians and Israelis. Frustrated by the stalemate in the peace process, civil society had begun exploring possible pathways that could stimulate peacemaking and push the process forward. Late the previous year, the Geneva Initiative

and the Ayalon-Nusseibeh statement of principles had sent a powerful message that differences could be bridged and that a dialogue was possible.

19. But only a clear political resolve on the part of the Israeli and Palestinian leaderships would break the impasse and restart the process, Attempts by either side to resolve that drawn-out conflict unilaterally could actually foment more anger and violence. There was no substitute for the two parties sitting down and working out with each other the details of an agreement that both peoples could live with.

20. The performance-based road map to a permanent two-State solution to the Israeli-Palestinian conflict (S/2003/529, annex) had been accepted by both parties. It enjoyed broad support from the international community. Based on Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), it remained the most practical way of achieving the aspirations of both sides. In its resolution 1515 (2003), the Security Council had further bolstered support for the road map. The objective of the resolution was clear — two States, Israel and Palestine, living side by side in peace and security.

21. He called on both parties to take immediate and specific steps to implement the plan without preconditions. He urged the Palestinian Authority to take resolute action to halt terror attacks by militant groups against Israelis. Meanwhile, he urged the Israeli Government to halt further settlement expansion and the construction of the barrier. Israeli Prime Minister Sharon's announcement of a plan to evacuate the Gaza Strip settlements was encouraging. He looked forward to seeing a timetable for that. An evacuation of Gaza Strip settlements should be seen as part of a broader process, an interim step that could revitalize stalled peace efforts, consistent with the road map.

22. For its part, the international community should assert itself to help the two sides out of the present deadlock. For their part, representatives of the Quartet must try harder to bring the parties back to the negotiating table.

23. The Ad Hoc Liaison Committee had met in Rome the previous December to secure financial assistance for the Palestinian people, who continued to endure a devastating economic and humanitarian crisis. The Special Coordinator and the Office for the Coordination of Humanitarian Affairs (OCHA) had continued their work, as had other United Nations agencies including the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the World Food Programme (WFP), the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF) — some of them with limited resources, and all under extremely difficult conditions. International help was currently particularly crucial. The United Nations would continue its work, but it needed the international community to give generously.

24. The Committee had an important role to play in efforts to reach everyone's common goals. He thanked its members for their continued commitment to peace in the Middle East and wished them success in carrying out their mandate.

Statement by the Chairman

25. **The Chairman** thanked the members of the Committee for the trust they had placed in him as the most recent in a succession of Senegalese chairmen. Senegal, along with the members and observers of the Committee, the staff of the Division for Palestinian Rights and the Secretary-General, would work towards a negotiated, fair and lasting settlement of the Israeli-Palestinian conflict.

26. There were many obstacles to peace, but peace was indeed possible between Arabs and Jews, who were united by their history, by geography and by their monotheistic beliefs. The Committee would continue to raise international awareness to try to end the escalation of violence, the thinking that led to revenge by suicide and the policy of building settlements, to create a positive climate for the resumption of negotiations between the Palestinian Authority and the Government of Israel.

27. The members of the Quartet — the European Union, the Russian Federation, the United Nations and the United States of America — must continue to play an active role and use their influence with Israel to ensure that it respected its obligations, particularly obligations stemming from the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949.

28. The Committee must find an effective way to monitor implementation of the road map and protect Palestinians, whose society was in crisis. It would support the Secretary-General's wise proposal on the deployment of an international buffer force. The help

of the Quartet was needed to make progress towards a cessation of hostilities, a resumption of negotiations and fulfilment of the aim of the road map — two States, Israel and Palestine, coexisting and cooperating in a climate of security and mutual respect and peace.

29. The main cause of the conflict between Israelis and Palestinians was Israel's occupation of Palestinian land. The way to achieve a comprehensive, fair and lasting peace in the Middle East was to implement immediately the road map, Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002), the principle of land for peace and the initiative of Crown Prince Abdullah of Saudi Arabia, which the League of Arab States had endorsed at its summit in Beirut.

30. The Committee would support those initiatives to ensure that Israel withdrew from Palestinian territory occupied since 1967 and that the inalienable rights of the Palestinian people to self-determination and an independent State were translated into action. To promote those rights, it would submit proposals where appropriate to the General Assembly and Security Council. It called for the confinement of the Palestinian Authority's elected president, Yasser Arafat, to be ended. Pending the advisory opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory it would continue to speak out against Israel's annexation of Palestinian land.

31. The Committee had relied on the generosity and commitment of civil society organizations and non-governmental organizations, which were active in defending the rights of the Palestinian people and in mobilizing international public opinion. It must encourage such organizations and forge closer links with them.

Statement by the Permanent Observer of Palestine

32. **Mr. Al-Kidwa** (Observer for Palestine) vigorously condemned the bombings in Madrid. The Secretary-General's presence at the current meeting of the Committee reaffirmed the determination of the United Nations to bring an end to the tragedy of the Israeli-Palestinian conflict and to promote peace in the Middle East region. The situation in the Occupied Palestinian Territory, including East Jerusalem, had continued to deteriorate.

33. In the past year, Israel had continued to commit war crimes and State terrorism and to systematically violate the human rights of the Palestinian people. The Israeli occupying forces had used all kinds of heavy weaponry in their military campaign and had continued to use excessive and indiscriminate force against the Palestinian civilian population. Since September 2000, the occupying forces had killed 2,800 Palestinians, including women and children, many by extrajudicial execution, and their actions had also resulted in the injury of more than 40,000 Palestinians, at least one third of whom were children, with many of them now permanently disabled or disfigured. Thousands of homes had been destroyed or damaged and widespread destruction had been caused to roads, water, sanitation and electricity networks. In addition to the destruction of thousands of acres of agricultural land and the uprooting of hundreds of thousands of trees, the occupying forces had continued to confiscate more Palestinian land for illegal settlement activities, which had persisted unabated.

34. The occupying forces had also continued to carry out other forms of collective punishment against the Palestinian people. Currently, 7,000 Palestinians, including women and children, were still being arbitrarily held, and the suffocating military closures, curfews and hundreds of checkpoints had a severe impact on the socio-economic situation of the Palestinian people, whose humanitarian hardships continued to increase.

35. The expansionist conquest wall that was now being constructed by Israel in the Occupied Palestinian Territory, including in and around East Jerusalem, had exacerbated the already grave situation. The wall was not about security; it was about the acquisition of territory by force and the de facto annexation of land by the occupying Power. Indeed, the wall was being constructed almost entirely in the Occupied Palestinian Territory, and there was a direct correlation between the route of the wall and the illegal Israeli settlements in the Occupied Palestinian Territory and water resources in the area. There was also a definite correlation between the route of the wall and Israel's longstanding illegal policies and practices regarding Occupied East Jerusalem, including its illegal annexation of the city.

36. The wall was not just a complex physical structure; it was a whole regime involving the confiscation of Palestinian land and the destruction of

property and natural resources. The area between the wall and the Green Line had been declared a "closed zone" by the occupying Power, which required the thousands of Palestinian inhabitants of the area, now imprisoned between the wall and the Green Line, to apply for permission to remain in their own homes or to work their land. If completed, the wall would leave the Palestinian people with only half of the West Bank within isolated, non-contiguous walled enclaves. It completely undermined the right of the Palestinian people to self-determination, as it would prevent the emergence of a viable and independent State of Palestine. Israel was constructing the wall in grave violation of international law, including international humanitarian law, and the resolutions of the United Nations.

37. The advisory opinion proceedings of the International Court of Justice represented an important and historical juncture in the United Nations efforts to address the different aspects of the question of Palestine. The exercise was important not only for Palestinians but also for the future of the Middle East as a whole. The successful outcome of the proceedings would be important for the integrity of international law and the future of the international system. It was to be hoped that the Court would render an advisory opinion versed in international law that would contribute to the solution of the serious and urgent problem of the wall, thus helping to salvage the prospects for peace between the Israeli and Palestinian peoples. The international community's responsibility, including the Assembly's, towards that critical issue could not be underestimated.

38. The current attempts by the Israeli Government to formally depart from the road map and the agreed basis of the peace process and to try to impose a unilateral settlement were dangerous. In his view, the way forward remained the implementation of the road map and not the taking of unilateral steps. If, however, the Israeli side decided to withdraw from any part of the Occupied Palestinian Territory, Palestine would not object. The Palestinian Authority would, moreover, assume its responsibilities but would have no bilateral obligations in such a case. A reasonable possibility was that the Authority would call for an international presence in an area like the Gaza Strip, from which a withdrawal might take place.

39. He stressed the Palestinian Authority's commitment to the peace process and he expressed the hope that the Quartet would make efforts to revive the peace process and the road map. The alternatives were bleak and perilous. Efforts must be undertaken to compel Israel to dismantle the wall, bring an end to the cycle of violence on the ground and bring both parties to the negotiating table to pursue in good faith the implementation of the road map towards its goal of a two-State solution of Israel and Palestine living side by side within secure and recognized boundaries.

Draft programme of work of the Committee
(A/AC.183/2004/CRP.1)

40. **The Chairman**, introducing the draft programme of work of the Committee for 2004 (A/AC.183/2004/CRP.1), said that it reflected the ongoing concerns and objectives of the Committee. In preparing the draft programme of work, the Bureau of the Committee had been guided by the need to make it more responsive to developments in the peace process. The Committee would continue to review the proposed programme in that light and would make adjustments as necessary.

41. **Mr. Kittikhoun** (Lao People's Democratic Republic) said that his Government fully endorsed the draft programme of work, particularly its objective of closer cooperation with civil society. With respect to paragraph 15 of the draft programme (A/AC.183/2004/CRP.1), there was a need to involve the entire Quartet in the Bureau's ongoing consultations with Governments and intergovernmental organizations interested in its programme of work. All members of the Quartet should assist the Committee to accomplish its mandate and resolve the painful situation in the Middle East. Lastly, he expressed assurances of his delegation's sincere cooperation with and support for the work of the Committee.

42. **The Chairman** said that involving all concerned parties in the work of the Committee was one of its essential objectives. Although there were those who wished to diminish the influence of the Committee, nothing would deter it from pursuing the implementation of its clearly defined mandate.

43. **Mr. Maso** (South Africa) confirmed that his Government was pleased to accept the offer to host the African meeting on the question of Palestine.

44. **The Chairman** thanked the Government of South Africa for its gesture of support for the work of the Committee.

45. **Mr. Sow** (Guinea), expressed his Government's full support for the programme of work. He noted, in particular, the priority issues in the programme for 2004, including raising the effectiveness of the Division for Palestinian Rights; involving civil society more deeply in the work of the Committee; and disseminating information about the Palestinian question through public awareness campaigns and publications.

46. **Mr. Rastam** (Malaysia) said that his Government was in complete solidarity with the Palestinian cause and fully supported the protection of the inalienable rights of the Palestinian people. That position had been made clear during the oral presentation by the Malaysian Minister for Foreign Affairs before the International Court of Justice in The Hague on an advisory opinion on the legal consequences of the construction of an Israeli wall in the occupied Palestinian territory.

47. He commended the Bureau on the draft programme of work and concurred with the representative of the Lao People's Democratic Republic that it should closely consult with all members of the Quartet. As chairman of the Non-Aligned Movement Committee on Palestine, his Government would make every effort to consult with the Bureau and the Committee.

48. **Mr. Al-Kidwa** (Observer for Palestine) expressed his appreciation for the draft programme of work. The proposed international meeting in Geneva on the separation wall would help to mobilize public opinion against the measure and bring it to an end. His delegation would be issuing a background paper for the advisory opinion hearings in the Israeli wall case at the International Court of Justice.

49. **The Chairman** said that he would welcome further information from the Permanent Observer of Palestine to help the Committee to implement its mandate.

50. *The draft programme of work of the Committee for 2004 (A/AC.183/2004/CRP.1) was adopted.*

Report by the Rapporteur on the United Nations Meeting for Asia and the Pacific on the Question of Palestine and the Public Forum in Support of Middle East Peace

51. **Mr. Camilleri** (Malta) Rapporteur, said that the Committee was very grateful to the Government of the People's Republic of China for hosting the United Nations Meeting for Asia and the Pacific on the Question of Palestine, on 16 and 17 December 2003, and the Public Forum in Support of Middle East Peace, on 18 December 2003, at a time of growing international concern about the volatile situation on the ground and the deadlocked political dialogue between the parties. At the meeting in Beijing, which had been aimed at mobilizing international support for a peaceful solution to the question of Palestine, the participants had reviewed the situation in the Occupied Palestinian Territory, including Jerusalem, and discussed the road map, which remained the principal mechanism for moving towards a peaceful settlement of the Israeli-Palestinian conflict. They had also welcomed such civil society initiatives as the Geneva accord and the People's Voice, which stimulated debate between Palestinians and Israelis on the issues that must be resolved to end the conflict.

52. At the meeting, which had been attended by representatives from 73 Governments, Palestine, 3 intergovernmental organizations, 7 United Nations bodies and 12 civic organizations, as well as special guests of the host country, journalists and scholars, the participants had debated the following themes: the situation in the Occupied Palestinian Territory, including East Jerusalem; strengthening international support for a peaceful solution of the question of Palestine; and support in Asia for the inalienable rights of the Palestinian people.

53. The Chinese Deputy Minister for Foreign Affairs, Dai Bingguo, had addressed the opening meeting; Kim Hak-Su, Executive Secretary of the United Nations Economic and Social Commission for Asia and the Pacific, had delivered the Secretary-General's message; Palestine had been represented by Ghassan Khatib, Minister of Labour of the Palestinian Authority; and Bruno Rodríguez Parilla of Cuba, head of the Committee delegation, had made a statement. The delegation also included Ravan Farhâdi (Afghanistan), Vice-Chairman, Victor Camilleri (Malta) and Rastam Mohd Isa (Malaysia). Experts from Asia, Australia, North America and the Middle East, including

Palestinians and Israelis, made statements at the meeting and also during the public forum, where they were joined by scholars from Beijing University.

54. The participants had adopted a final document, in which they had expressed grave concern about the deterioration of the situation in the Occupied Palestinian Territory, including East Jerusalem. They had welcomed the appointment of a new Palestinian Government as well as Security Council resolution 1515 (2003), in which the Council had endorsed the road map and expressed the hope that it would provide the much-needed impetus to the stalled political process. They had agreed that the continuing occupation by Israel of the Palestinian territory, including East Jerusalem, remained the core of the Israeli-Palestinian conflict and threatened the security and stability of the entire region.

55. They had also voiced serious concern over the suffering and dispossession of the Palestinian people caused by the occupation and condemned the separation barrier, which Israel had been building with utter disregard for Palestinian interests and rights and in violation of the Fourth Geneva Convention. The General Assembly's request that the International Court of Justice provide an advisory opinion on the legal consequences of the construction of an Israeli wall in the occupied Palestinian territory had been considered an important step towards resolution of the Israeli-Palestinian conflict.

56. The Public Forum in Support of Middle East Peace, which had included most of the participants in the Beijing meeting, had involved a frank and useful discussion on issues such as public perceptions of the Israeli-Palestinian conflict, the impact and responsibility of academic institutions and the role of civil society in raising public awareness.

57. In accordance with established practice, the report of the United Nations Meeting for Asia and the Pacific on the Question of Palestine had been issued as a publication of the Division for Palestinian Rights and posted on the United Nations Information System on the Question of Palestine (UNISPAL) and NGO network web sites maintained by the NGO Network of the Division for Palestinian Rights (http://www.un.org/depts/dpa/ngo).

The meeting rose at 12.20 p.m.